IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.150 OF 2006
IN
CRIMINAL APPEAL NO.137 OF 2006

Ishwar Gulab Gaikwad Applicant
Vs
State of Maharashtra Respondent.

Mr Suresh S.Shah, for the applicant.
Mrs M.M.Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE, J.
DATED : 14th JUNE, 2006

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent.

2. This is an application for bail in the appeal filed by the applicant challenging the judgment and order of conviction dated 30.12.2005, convicting him for the offence punishable under section 304 Part II read with section 34 of IPC. He has been sentenced to suffer R.I. for five years.

3. The learned counsel for the applicant, after taking me through the judgment, submitted that the applicant has extremely good case on merits and he has fair chances of clear acquittal. He further submitted that the applicant has already undergone almost two years of imprisonment pending trial and the appeal and that the appeal is not like to be heard early. It is true that the applicant has undergone one year and

eight months imprisonment pending trial and the appeal. Keeping that in view and considering the overall facts and circumstances of the case and that the conviction is under section 304 Part-II of IPC, I am inclined to enlarge the applicant on bail. The applicant may be released on bail on his furnishing a P.R.bond of Rs.5000/- with one surety of the like amount subject to condition that he shall report the concerned police on every alternate Saturday between 10 and 11 am for a period of two years or till the disposal of the appeal whichever is earlier.

4. The application is disposed of.

(D.B.BHOSALE,J.)